

R E M A R K S

Claim 1 stands rejected under 35 USC 103 as being unpatentable over Puri et al. in view of Rahda et al.

Effective November 29, 1999, subject matter which was prior art under former 35 USC 103 via 35 USC 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person". MPEP 706.02(1)(1).

- Rahda et al. has an issue date of September 18, 2001 and is available as prior art with respect to the present application under former 35 USC 103 only under 35 USC 102(e).
- The present application was filed on August 24, 2001 and therefore is entitled to the benefits of the November 29, 1999 changes to 35 USC 103(c).
- The subject matter of Rahda et al. and the claimed invention are and were, at the time the claimed invention was made, owned by, or subject to an obligation of assignment to, the same person(s) or organization(s). This statement is "sufficient evidence of common ownership" as noted in MPEP 706.02(1)(2)(I).

In view of the foregoing, it is respectfully submitted that Rhada et al. is to be disqualified as prior art in this application and that the application is therefore, in condition for allowance.

Accordingly, withdrawal of the rejection is respectfully requested with regard to Claim 1.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) to Account No. 14-1270.

Respectfully submitted,

By   
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